
(2004) 02 AHC CK 0012
In the Allahabad High Court
Case No : C.M.W.P. No. 10456 of 1989

Smt. Ratna Prabha Misra

APPELLANT

Vs

State of U.P. and Another

RESPONDENT

Date of Decision : 23-02-2004

Acts Referred:

Citation : (2004) 5 AWC 4149

Hon'ble Judges : Rakesh Tiwari, J

Bench : Single Bench

Advocate : R.P. Tiwari, for the Appellant;

Judgement

Rakesh Tiwari, J.—Heard Counsel for the parties.

2. The Petitioner is a teacher in primary school. She alleges that the House Rent Allowance which was being paid to her has been stopped on the ground that only either of the spouse is entitled for House Rent Allowance. Her husband who was teacher in the intermediate college was also availing the facility of House Rent Allowance from his college.

3. The Counsel for the Petitioner has placed reliance upon order under the State Government Employees Rules dated 15th December, 1981. They are as under:

4. Reliance has also been placed upon an amendment made by G.O. dated 17.12.1988 in rate of H.R.A. for teaching and non-teaching employees of Uchhtar Madhyamik School who were living in rented houses or in their own houses. It is as under:

Note.-Verbative vernacular matter deleted by the Court.

.....
..
.....
..

5. The G.O. is not applicable to the Petitioner as she is teacher in primary school and not in Uchhtar Madhyamik School. On the basis of the aforesaid rules he contends that the Petitioner was entitled to get the house rent allowance as she and her husband were living in their own house.

6. The aforesaid G.O. provides that if otherwise House Rent Allowance is payable, it would be payable to both, the husband and the wife. House Rent would be available only to one of the spouse even if they are living in the same House.

7. At this stage the Counsel for the Petitioner submits that the husband has since expired after his retirement, but the Petitioner is still in service and is entitled to get the house rent allowance at least from the date her husband retired from service.

8. Since the husband of the Petitioner retired from service and was not getting House Rent Allowance, the Petitioner is entitled to the H.R.A. from the date of retirement of her husband. Ordered accordingly. The Respondent are directed to pay the arrears of H.R.A. to the Petitioner within two months from the date of production of certified copy of this judgment. It is further directed that the Petitioner will continue to be paid the House Rent Allowance month to month in accordance with law till she is entitled to receive the same.

9. The petition is disposed of with aforesaid directions. No order as to costs.